

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

August 2005

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER Bill Carried Over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Health and Human Services

1. Adopt rules to develop a mental health assessment screen to be used in the needs assessment of applicants for long-term care services;
2. Develop an efficient, cost-effective data collection process to identify consumers in need of mental health services in all long-term care settings;
3. Convene a working group of interested parties to assist the department in developing a mental health assessment screen as part of the needs assessment of applicants for long-term care services and a data collection process to identify consumers in need of mental health services in long-term care settings; and
4. Submit a report on its progress in developing a mental health assessment screen as part of the needs assessment of applicants for, and a data collection process to identify consumers in need of mental health services in, long-term care settings, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than February 1, 2006.

Enacted law summary

Resolve 2005, chapter 55 directs the Department of Health and Human Services to recommend a procedure for the timely assessment of an older individual's need for mental health services, including recommendations on an efficient, cost-effective data collection process to identify consumer needs for mental health services for older persons, regardless of the setting. The resolve also requires the Department of Health and Human Services and the Joint Advisory Committee on Select Services for Older Persons, in consultation with other consumers, providers and advocates, to undertake a review and make recommendations on a mental health assessment screen as part of the needs assessment of applicants for long-term care services and several other issues pertaining to the status of mental health services to persons over 60 years of age. The resolve also directs the department to consult with the Joint Advisory Committee on Select Services for Older Persons, the State Board of Nursing and the Department of Education to review training curricula for direct care workers in all long-term care settings and to recommend revisions to the curricula necessary to include a stronger focus on the identification of and management of behavioral disorders in the long-term care population.

The department and the Joint Advisory Committee on Select Services for Older Persons are required to jointly submit a report, including recommendations on these issues and suggested legislation, to the Joint Standing Committee on Health and Human Services by January 14, 2006.

LD 553

Resolve, Regarding Responsible Management of Point-of-sale Marketing Materials for Tobacco Products

RESOLVE 46

Sponsor(s)
BOWEN

Committee Report
OTP-AM

Amendments Adopted
H-343

LD 553 proposed to prohibit the display of tobacco products, smoking paraphernalia or displays that market tobacco products or smoking paraphernalia in a manner that can be viewed by minors. This bill also proposed to eliminate the exception to the law governing the manner of displaying and offering for sale of tobacco products of the display or offering for sale of tobacco products in packages of 10 or more.

Joint Standing Committee on Health and Human Services

Enacted law summary

Resolve 2005, chapter 46 directs the Department of Health and Human Services, Bureau of Health to develop an education and recognition program to encourage tobacco retailers to manage responsibly point-of-sale marketing materials for tobacco products. The law requires a report by February 1, 2006 to the Joint Standing Committee on Health and Human Services on plans to implement the education and recognition program.

LD 559 **An Act To Require a Study and Comparative Report on Welfare** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO HASTINGS	ONTP	

LD 559 proposed to direct the State Planning Office to study welfare in the State and the other New England states and submit a comparative report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 1, 2006. The report would cover all forms of federal, state and municipal welfare, including the TANF program, food stamps, heating assistance, emergency assistance, general assistance, Social Security and Social Security Disability, the MaineCare, Cub Care, Maine Rx Plus and the elderly low-cost drug programs and other health care and prescription drug programs. The bill proposed to require the State Planning Office to update the report by January 1, 2008 and every 2 years thereafter.

LD 561 **An Act To Rename the Bangor Mental Health Institute the Dorothea Dix Psychiatric Center and To Establish the Dorothea Dix Award** **PUBLIC 236**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH PERRY J	OTP-AM MAJ ONTP MIN	H-349

LD 561 proposed to change the name of the Bangor Mental Health Institute to the Dorothea Dix Center for Public Service and create the Dorothea Dix Award.

Enacted law summary

Public Law 2005, chapter 236 changes the name of the Bangor Mental Health Institute to the Dorothea Dix Psychiatric Center and establishes a biennial Dorothea Dix Award. In addition, the law authorizes the revision of references to the Augusta Mental Health Institute, which was renamed the Riverview Psychiatric Center in 2003.